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Date: 08/07/2002

Category: 13 - Conduct; Accountability and Discipline

OPR: OGC

Title: AR 13-7 (U) REPORTING ALLEGED MISCONDUCT OR
WRONGDOING BY CURRENT OR FORMER D/CIA_s OR DD/CIA_s

CL BY: (b)(3) **CL REASON:** , **DECL ON:** , **DRV FROM:**

SUMMARY: 7 August 2002 (0708)

AR 13-7 is added to the regulatory system to prescribe policy and procedures for CIA (including O/D/CIA) personnel to report alleged misconduct or wrongdoing by a current or former D/CIA or DD/CIA; and the regulation is placed under a new regulatory series entitled, Conduct, Accountability, and Discipline. Information formerly contained in AN 7-1-37 (Reporting Alleged Misconduct or Wrongdoing by Current or Former D/CIA_s or DD/CIA_s) has been incorporated into this new regulation.

AN 7-1-37 is hereby rescinded.

Because this regulation is new, boldfaced text has not been used.

(b)(3)

This revision was written by the Office of General Counsel, (b)(3) (secure).

**7. REPORTING ALLEGED MISCONDUCT OR WRONGDOING BY CURRENT OR
FORMER D/CIA_s OR DD/CIA_s**

SYNOPSIS. This regulation prescribes policy and procedures for CIA (including O/D/CIA) personnel to report alleged misconduct or wrongdoing by a current or former D/CIA or DD/CIA.

a. AUTHORITY. 50 U.S.C. § 403q(d)(3); DCI Directive 2/13P.

b. GENERAL

- (1) In order to preserve Presidential, Congressional, and public confidence and trust in the administration and activities of the CIA and the Office of the D/CIA (O/D/CIA), any allegations of misconduct or wrongdoing against a current or former Director of the Central Intelligence Agency (D/CIA) or Deputy Director of the Central Intelligence

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Agency (DD/CIA)--including a current or former acting D/CIA or DD/CIA--must be investigated fully, swiftly, and impartially. There must be neither the actuality nor the appearance of favoritism, special treatment, or improper command influence in the handling of such allegations.

- (2) The procedures in this regulation are designed to ensure that alleged misconduct or wrongdoing by any current or former D/CIA or DD/CIA is investigated and handled in a manner that is legal, efficient, effective, respectful of individuals' rights, and insulated against either the actuality or the appearance of preferential or special treatment based on rank or status. Questions regarding these procedures should be directed to the Assistant Inspector General for Investigations or the Deputy General Counsel.

c. PROCEDURES FOR INSPECTOR GENERAL REVIEW OF ALLEGATIONS

- (1) Any information, allegation, or complaint (hereafter, allegation) of misconduct or wrongdoing by a current or former D/CIA, or current or former DD/CIA, shall be referred directly and immediately to the Inspector General (IG) of the Central Intelligence Agency. The IG will promptly conduct an initial review to determine if a formal investigation should be opened. Agency personnel and components have the same obligation to cooperate with such reviews and investigations as with any other inquiry or investigation undertaken by the IG pursuant to section 17(e) of the CIA Act of 1949.
- (2) If the IG's initial review determines that there is no reasonable basis for the allegation, or that the alleged conduct, even if proven to have occurred, would not violate any applicable law, Executive branch directive, regulation, or standard of conduct, the IG will close its consideration of the matter and notify the person who brought the allegation.
- (3) If the IG's initial review determines that there is a reasonable basis for the allegation and that the alleged conduct, if proven to have occurred, would violate an applicable law, Executive branch directive, regulation, or standard of conduct, the IG shall immediately open a formal investigation of the allegation and immediately notify the congressional intelligence committees.

d. NOTIFICATION AND REPORTING REQUIREMENTS

- (1) In cases where the IG opens a formal investigation, and a violation of federal criminal law is reasonably believed to have occurred, the IG shall report the matter to the Attorney General (AG) or the AG's designee within the Department of Justice (DoJ). The IG will not be required to provide a copy of such reports to the D/CIA (or to the DD/CIA) when the D/CIA is the subject of the report to DoJ, but will provide a copy to the D/CIA if the DD/CIA (or a former D/CIA or DD/CIA) is the subject of the report.
- (2) Section 17(d)(3) of the CIA Act of 1949 (50 U.S.C. § 403q(d)(3)), as amended by section 403 of the Intelligence Authorization Act for Fiscal Year 2001, provides that the IG shall immediately notify and submit a report to the congressional intelligence committees whenever (among other circumstances): an IG investigation, audit, or inspection focuses on any current or former D/CIA or DD/CIA; a matter requires a report by the IG to DoJ

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on possible criminal conduct by a current or former D/CIA or DD/CIA; or the IG receives notice from DoJ declining or approving prosecution of a current or former D/CIA or DD/CIA.

- (3) In cases where a violation of federal criminal law is reasonably believed to have occurred, the IG shall coordinate with DoJ to determine the nature, scope, and timing of further reports to the intelligence committees. In such instances, the IG, to the extent consistent with the IG's statutory responsibilities, will follow as guidance paragraphs 2(a)-(b) of DCI Directive 2/13P, "Communications with Congressional Committees Regarding Intelligence Information Related to Law Enforcement Matters" (7 November 1995).
 - (4) As a rule, the IG will promptly notify the General Counsel, the Director of Congressional Affairs, and--as the IG may deem necessary or appropriate--other CIA (including O/D/CIA) officials, of all cases where: an investigation, audit, or inspection focuses on a current or former D/CIA or DD/CIA; a matter requires an IG report to DoJ on possible criminal conduct by a current or former D/CIA or DD/CIA; or the IG receives notice from DoJ declining or approving prosecution of a current or former D/CIA or DD/CIA. In addition, the IG, to the extent required by law or Executive order, shall report such cases to the Intelligence Oversight Board of the President's Foreign Intelligence Advisory Board. The IG, however, will not provide notice of or report such cases to any CIA (including O/D/CIA) or other Executive Branch official who is or reasonably appears to be implicated in the alleged misconduct or wrongdoing, except as and when legally required or appropriate.
 - (5) This notice does not affect the Agency's obligation under section 811(c) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of the Intelligence Authorization Act for Fiscal Year 1995, Public Law 103-359), to immediately inform the FBI of any information that indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.
- e. **PROCEDURE FOR EMPLOYEES TO REPORT ALLEGATIONS.** Agency personnel who wish to personally report allegations of current or former D/CIA or DD/CIA misconduct or wrongdoing to the Congress may do so subject to and in accordance with the rules and procedures for employee communications with Congress under existing law and Agency regulations, and shall obtain and comply with direction and guidance provided under those rules and procedures. (Referenced in the most current policy entitled, Employee Communications with Congress.)

/s/

George J. Tenet
Director of Central Intelligence

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